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Noah: Good day, and welcome to the Nevada Advisory Committee to the US Commission on Civil Rights conference call. Today's conference is being recorded. At this time I'd like to turn the conference over to Wendell Blaylock. Please go ahead.

Wendell: Thank you Noah, and thank you committee members for joining our call today. Wow. We had a lot going on in March, and I think we had a really great hearing. I look forward to getting feedback from all of you later in today's call. First, let's do a roll call. And Bob Beers? Kathleen Burquest? All right, Sandra you are here.

Sandra: I'm here.

Wendell: And great, Carol, you've joined us?

Carol: Yes I'm here.

Wendell: Okay great. Deborah Feemster? David Fott? Emma Guzman? Kara Jenkins? Kay Kindred? Teresa Navarro?

Teresa: Here, I'm here.

Wendell: Hi, great hi Teresa. John Ponder? Matthew Saltzman? And Ed Williams? And Ed, I know that you're here.

Ed: I am indeed.

Wendell: All right, so thank you. So, the first item on our agenda, is to review and approve the minutes from March 9th. And I believe everyone has a copy.

Carol: Wendell? This is Carol Del Carlo. I count ...

Wendell: Yes, Carol?

Carol: ... that we have 9 not on, and 5 on? How could that be a quorum?

Wendell: So, Ana? Go ahead Ana.

Ana: I was just going to say that's our minimum number.

Carol: I'm sorry?

Wendell: We're right at the threshold, the minimum number.

Carol: So how many is a quorum?

Ana: Five.

Carol: Oh.

Wendell: And we're right there. And Carol, thank you for reminding me also, I'd also like to recognize that Anna Fortes is on the call with us today, as well as David Mussatt, and Angelica Travino.

So now, moving on with the approval of the minutes, and did everyone receive a copy of the March 9th minutes?

Carol: Yes.

Wendell: Okay. Do we have any revisions? Or changes for the minutes?

Carol: Mm-mmm (no). No, I vote for approval.

Ed: This is Ed, I'll second.

Wendell: All right. So, all in favor of approving the minutes? (everyone says "I") I. Okay is there anyone opposed? All right, thank you. So, the minutes are approved.

We're very fortunate to have Jessica Feierman, the Associate Director of the Juvenile Law Center. I understand, Jessica you had weather issues last time, so we're really pleased that you're able to join us today. And everyone should have a copy of your presentation.

Jessica: Great. All right, you ready for me to take it away?

Wendell: Yes, ma'am. So I'd like to turn the floor over to you.

Jessica: All right. Thank you so much and thank you so much to all of you for taking the time for this conference call, I was really sorry to miss your meeting, it was very snowy here. If it's any consolation, my children had a snow day and some very good sledding. I really [inaudible 00:04:36] for you all taking the time to talk about the specific issues facing young people who are confronting fines and fees in the Juvenile Justice System.

As you may know, my organization, Juvenile Law Center is the oldest, non-profit law firm for children in the country, although I've heard that there was another incorporated just a few hours later in California. But we've been doing this work for a long time and we use an array of strategies. Policy advocacy, litigation, support for stakeholders, all in the interest of creating opportunities for success for use in the foster care and justice systems.

And my testimony to you today will be based on lessons that we learned doing some comprehensive research projects on juvenile fines and fees. We looked at the laws of every state, we surveyed almost 200 stakeholders nationwide. And then we worked

with criminologists to try to get our heads around what the real impact is of fines and fees on young people and their families.

But before getting too deeply into the technical piece, I want to start with a couple of stories that I think will help kind of shed light on what this problem looks like. So if you're looking at my presentation, you can go ahead to the second slide, which has a couple of pictures and I'll tell you about some of the young people we've spoken with.

What we've learned is that across the country, youth are struggling with various kinds of fines and fees. In New Jersey, a 16 year old went back to selling drugs to pay off the court fines. In Arkansas, a 13 year old we spoke with spent time in a secure facility because he couldn't afford a truancy fine, so he was locked up. In California, a news story showed that a mother kept paying off her child's fees to the justice system long after his charges were actually dropped.

In these two pictures here represent a young man from Florida and a young woman from Philadelphia, a couple of years after the incidents at issue, but both of them were kept on probation for an extra year just because they owed money to the court.

So as you, I know, are thinking about municipal fines and fees broadly, I urge you to look carefully into what the practices are in juvenile court across the state. How are these laws being applied to teenagers and what are the consequences?

If you're looking at the presentation, you can go to the next slide, I wanted to share a resource with you. This is a website that we've created, a micro site dedicated specifically to the issue of fines and fees, and to be a resource on fines and fees for juveniles for people across the country. So, feel free to use the website, pull information from it. If you click to the next slide, slide number 4, one of the things this website has, which I urge you to use, is an interactive map function that you can manipulate to see the kinds of fines and fees imposed on youth and families. This slide is showing you what happens if you hover over the slide, but you can click on the slide also to get more detailed information about the law.

This map represents the Juvenile Act, our analysis of the Juvenile Act of every state. So every state has A juvenile code that governs their Juvenile Justice System and we looked through each one, to just try to figure out where, if any, was the state charging money to youth or families. Then you can click to see mandatory charges versus discretionary, what kinds of charges. While we're here, shift to talking for just a couple of seconds about what I know about Nevada [inaudible 00:08:45], most of you probably know much more. From my reading of the statutes, Nevada law establishes that the juvenile court has exclusive jurisdiction to hear the case of a juvenile charged with a municipal offense which means that case is going to start in the juvenile court rather than in the criminal court.

Then that triggers whatever kinds of fines and fees might be imposed in the delinquency system. Some of them you can see highlighted here, and you can get more information about the details on the website, but court costs and court costs of investigation may be

charged. Young people may face fines, the cost of drug or alcohol evaluation, different kinds of costs for programming and treatment, including the cost of child support imposed on the parent and restitutions as well as a fee for restitution work programs. Those are the kinds of fines that may be imposed under the law. Some of those may be mandatory, some of them are discretionary, meaning the judge has the authority to impose them but is not required to. That would be a place I would urge you to start in trying to figure out what the experience is of young people in your system.

I want to give you the overall picture, nationally, of the kinds of consequences that we have seen young people face because they or their family couldn't pay fines. For this, you can look at slide number five. Some of them are having a petition filed in the juvenile system facing extended probation, incarceration, civil judgment, ending up going to court more frequently or continuing to go to court after the case would've otherwise been closed, not being able to access expungement and then family debt was one that we heard about very regularly.

If you go to the next slide, you can see the map view of those consequences. This information is drawn from surveys that we did and our primary source was juvenile defenders across the country, reporting on what their clients had faced and what their clients' families have faced. What you can see highlighted here was the single respondent we had from in Nevada. We have very limited detailed information about your state but family debt, additional court visits, preventing expungement. In civil judgment fees though, were actually all a consequence, in this report, of a young person who couldn't pay off restitution as opposed to a separate administrative court cost.

I want to take a step back from this detailed information now and you can turn to slide seven, if you're following along and talk about how we think about the problems of fines and fees, uniquely through the lens of what young people experience. What are some of the problems that they face? Here are some of the key ones: it's impractical, it undermines rehabilitation and increases racial disparities in the justice system. Let me talk about each of these problems just a little bit.

So impractical, the biggest issue that, while there are economical obstacles for adults trying to pay off fines and fees, there are even more economic obstacles for children. First of all, some of them are just too young to get a job so they don't have an income. Most of them are in school and that's somewhere that we want them to stay. Older teenagers, even who are eligible for employment, particularly those of low incomes who are likely to be caught up in the justice system, have a lot of trouble just getting a job. Hard to get money from kids and also, as a result, an ineffective funding strategy. Most of the places that have looked at the cost benefit have found they're just not collecting much money from youth or their families.

The second key problem is that the Juvenile Justice System is designed, at least in part, to be rehabilitative. Nevada's Juvenile Act requires that children should receive care conducive to the child's welfare. What we've heard consistently around the country, in reports, is that facing a fine or a fee is very destabilizing for a family. We heard families don't have sometimes money for groceries because they're trying to pay off fines or

fees. They can't help another child get a school uniform. In one case, we heard of a grandmother considering giving up custody of her grandchild because there were insurmountable fines and fees and she couldn't figure out what else to do. We're catching young people at a moment when they need more support and when we impose fines and fees, we're causing more stress instead. Our criminologist who worked on this issue looked at a set of, I think it was over a thousand files, found that, indeed, imposing different kinds of costs and fees on young people increases recidivism. So it's working against the goals of the Juvenile Justice System.

The other thing that research has shown in a couple of places is that fines and fees tend to increase racial disparities in the justice system. That's for a couple of reasons. One is that in most places, young people of color are spending more time in the justice system and there are costs associated with that, they'll therefore be paying more. Another thing that the criminologist found is that link to recidivism was also linked to racial disparities. Recidivism was higher for young people who had costs at the end of their case when their case closed and because those costs were lingering, that was increasing recidivism. That tended to happen more in their sample for the youths of color.

I'll briefly turn now to what we know from the law and then I'll, hopefully, have plenty of time to discuss further and take questions. I've put in slide eight. What we've heard from the Department of Justice, which both is useful because it comes from the U.S. Department of Justice and also encapsulates what we know about the law as it relates to young people facing fines and fees.

The first overarching piece of information is that the Constitution demands unique protections for youth in the Juvenile Justice System because we understand that young people have less culpability and are more able to reform than adult. The Constitution has consistently, in our recent last ten years or so, there have been at least five or six cases that have underscored that kids are entitled to unique constitutional protections that recognize their vulnerability. The recommendations from the Department of Justice are, presume that young people are unable to pay. In keeping with practical reality, and will be good policy. Constitutionally no one, an adult or a child, can be punished without the determination that they're able to pay. Agencies should be making sure that that's happening. The Department of Justice, and this is all in an advisory letter, hopefully you have it but I can share the link, has also really emphasized the importance for juvenile justice agencies receiving federal funding, to determine whether to collect the data and determine whether there may be racial disparities do to the collection of fines and fees. If that's true, that agencies have an obligation to rectify those problems.

Let me see if I ... I think that basically at least gives you an overview of the law. I'm happy to talk in more detail about that as well. That's the overview of the unique problems facing young people and really happy that as you're considering the problem of fines and fees, that you're also taking into account what problems may be facing kids. Thank you.

Wendell: Thank you. This is some really good information. I'd like to open it up to questions from our committee members.

Well, I'll go first. So Jessica, this is Wendell Blaylock and during our hearing on the fifteenth, we heard that there are some options for community service. Do you have any information about community service and how frequently that's provided as an option for juveniles?

Jessica: We've definitely have heard of ... that's something that's come up a lot. I don't have any sort of concrete data about how often it is but certainly in conversations that we started to have around the country, that's one thing's that's been raised and there are pockets of local jurisdictions that have been offering community service. There may even be some statutes that require that service be provided as an alternative to a fine. Generally, we think those are good recommendations. We're actually working with a group of our own youth advocates right now to try to figure out what does that look like for young people in a way that will work. Does the service need to be close to home or school? What kinds of questions about transportation need to be taken into account? What information from a young person about their schedule and their school obligations is important to think about in the context of service? The concern is, a poorly managed community service option will be an opportunity for failure. The flip side is that a well managed and well thought out approach to community service could be a real benefit, both to young people and to the community.

Wendell: Could you explain more about a well thought out community service program versus a one that is not?

Jessica: We are again, early in the process of trying to figure this out and I'm happy if this is an area that you are exploring, to share our information as we gather it. Again, I think it has to do with thinking about developmentally appropriate opportunities so when you think about a young person ... for example, a young person living in poverty and sort of a stressful family environment, spending time at school, what's the focus for community service that will really help that young person develop a sense of accountability but also be able to succeed in school. Maybe there is a way to work their community service in so that it happens when they're at school. The kinds of questions that we are asking are, when should it happen? What kind of obstacles do young people typically face? What are the things that make young people fail at community service? What can we do to make it so that we're setting it up for them to be successful? There's been a lot of thoughtful work going on here in Philadelphia around probation terms, kind of understanding that young people can't understand the sort of whole series of complex probation terms but they can manage a few concrete changes in their behavior.

Young people can't necessarily see the long game as well as an adult but they can work in short increments and be successful if they can sort of see the end in sight. So keeping some of those questions in mind, I think, as we develop community service programs will help the programs to be more successful.

Wendell: As a follow up, so failure to complete community service would either be, and this is supposition on my part, either they do not attend or they're not engaged while they're there.

Jessica: Yeah, I think so. Again, we're just early in the process of looking at community service but I think the kinds of problems kids tend to run into are, yes, not showing up or not being fully engaged.

Noah: Pardon the interruption, Sandra Cosgrove did disconnect.

Wendell: Oh, yes, Sandra did indicate that she had another meeting at one thirty, so, thank you Noah.

Let me open it back up to the other members of the committee. Do you have additional questions?

Carol: This is Carol, I do. I had to take it off mute.

Wendell: Okay.

Carol: I have a question, I have a question.

Wendell: Yeah.

Carol: Jessica, do you interface with the juvenile, let's see what it is, it's the National Juvenile Justice Council, it's the judges part of this?

Jessica: You know, I have had on my agenda to reach out ... it's NPJFCJ, the National Council of Juvenile and Family Court Judges, is that who you were checking on?

Carol: Right.

Jessica: Yeah, I think there are very thoughtful folks there. I haven't yet worked with them on this issue.

Carol: Okay. I mean ...

Jessica: That doesn't mean that they haven't been doing work on it, I just haven't connected with them yet on it.

Carol: Okay, because one of the persons on our panel, she didn't present, but one of her judges did. She's the CEO for Nevada, I believe, and I would just think everything you're doing certainly ties into what they do and it would be nice to see some synergy there.

Jessica: Absolutely, yes. We've just finished the first year of this project but in the year to come we're hoping to work in depth in a number of jurisdictions but also to continue foraging that kind of relationship at the national level so that we can keep the spotlight on this issue and try to come up with creative strategies. I think they would be a good resource on this as well as a great [crosstalk 00:24:06].

Carol: As a follow up a question, what's this data that you're working with us in Nevada on our projects but how do you touch all those other 59 ... 49 states? I mean, what do they do with this ... who do you send this information to and give it to?

Jessica: This information is part of the reason we made an interactive, hopefully user friendly, map is that the information is for everyone to use. We have presented at a number of national conferences and will continue to do so. Our most easy community who we connect with are the juvenile defenders. We work with them regularly and counsel for children. The Juvenile Detention Alternatives Initiative will be there in a couple of weeks. We're just trying to reach all stake holders who potentially are working on this issue to raise the issue and start a conversation. We'll also, over the course of the next three years, be working in various jurisdictions and be able to provide three different kinds of support in collaboration with Berkeley Law School, where they're also working on this issue. The kind of support we can provide is ... Berkeley is leading the in-depth policy assistance.

They've done some great work in Alameda County, California, doing a cost benefit analysis, working with their probation, their defense, their prosecution, their judges in coming up with some solutions and they were able to repeal their court costs. So they're working now to replicate that model around the country, to figure out how folks can make those advocacy changes. We will be working with them on policy advocacy of that sort and we're also able to offer training to public defenders so that they understand what the issues are and what legal arguments can be made. Ultimately, depending on the situation, in some cases we would be able to provide litigation support.

Carol: Okay, thank you.

Jessica: You're welcome.

Wendell: Thank you Jessica. Any additional questions? Well, Jessica, I have a couple more, if you'll indulge me.

Jessica: That's great. Thank you.

Wendell: I hope the rest of you don't will mind if I as a few questions. Since Jessica joined our call I want to take full advantage of her knowledge today. So Jessica, is there some discretion, and I'm trying to think of how to word this. Is there discretion among the courts, or in the states, if they see that someone doesn't have the resources to pay a fine or a fee, that they can do something else instead of adding additional fines?

Jessica: Yeah, I ...

Wendell: Because it just seems to be counterproductive.

Jessica: ... yeah. So there are a couple of answers to that and one is that, across the country and also in Nevada, I see that you have some fines or fees that are designated as mandatory and others that are discretionary. So there are a lot of costs that judges have full

discretion to impose and they don't need to. In fact, that story of the thirteen year old in Arkansas who is locked up for failure to pay a truancy fine, if you look at the law, the judge didn't have to impose it. In that case, the young person was in court without a lawyer, there was sort of a whole host of problems along the way but I think sound education and information sharing among various stake holders about the problems with fines and fees and developing policies in court rules, can go a long way to making a difference because there's so much discretion permitted to the judges. For almost all of the fees, if it's required, it should be required only if able to pay. But what that ability to pay determination looks like, may vary really widely from jurisdiction to jurisdiction or even from judge to judge.

One of the things that we would advocate in that case is that there's a really comprehensive assessment of what a young person or their family member has available for payment and so that they're not ... too often it's kind of happening in a proforma way and the decision is being made without a recognition of the families really are foregoing things like the car payment for the car that gets to them to work or the groceries for their family.

Wendell: So if they have a public defender or someone who's representing them, then that individual would advocate for the juvenile?

Jessica: Yes. That should be the case. Part of the issue ... I mean it depends on the type of cost or fee, some of the cost that we see imposed are happening after a young person's case is closed up. Particularly happens with costs of care. Where families are being charged child support payments long after the young persons case is closed so there is no lawyer in the picture anymore. For fines, certainly or for restitution, absolutely, the juvenile defender should be there by the child's side and one of the things that we're trying to do is the next step in our project is to come up with what are the most effective strategies for helping the court understand the young person's situation and the options available to them.

Wendell: Okay. Then a follow up, as I look at some of the fines and fees here, do these impact a young person's ability to be bondable? Which, I'm thinking would have an impact on future employment?

Jessica: Actually, I don't know the answer to that question. That's a good one.

Wendell: Great, well thank you. I really appreciate you taking the time to join us today to provide this information. This is great. I really learned a lot from your presentation and from our hearing last week as well. One more time, do any of the other members of the committee have questions for Jessica?

Ana: I have a question but I'm not on the committee, this is Ana.

Wendell: Yes Ana.

Ana: Jessica, you had mentioned that there was an advisory letter issued by the Department of Justice?

Jessica: Yeah, that's right.

Ana: Can you speak more to that and where we could find that information?

Jessica: Yes. First of all, I can send the link. I should've included the link here but to find it easily, if you just Google U.S. Department of Justice Advisory Letter Juvenile Fines, you'll pull up the link pretty easily. We were really happy to see this come out. The Department of Justice had already issued guidance generally on fines and fees, which I think was very effective, underscoring that we should not be punishing people for their inability to pay. Adults should not get incarcerated simply because they can't pay and the courts role in insuring that all of that happens. This letter specifically talks about the Juvenile Justice System and highlights the obligations of agencies that are receiving federal funding. It's pretty comprehensive. I think it gives a good legal analysis of the types of claims that could be made in litigation and therefore, the types of issues agencies should be attentive to and also addresses statutory rights like not to be discriminated against on the basis of race, ethnicity, gender, et cetera, and how that plays into the issues around fines and fees.

Ana: That sounds great.

Jessica: I think ... obviously I have no great knowledge, but I think this is still an issue that's of interest to the Department of Justice.

Noah: David Mussatt did disconnect.

Wendell: Oh, okay, thank you. Ana, Angelica do you have additional questions as well for Jessica?

Ana: That was my only question. Thanks Wendell.

Wendell: Okay. Thank you.

Jessica: Ana, I know I have you're email so I'll send you the link, in the hopes that you can pass that along as well, to the advisory letter.

Ana: Okay, great.

Wendell: Again, Jessica, thank you for joining us for our call today. This has been very valuable information that we will include in our report to the U.S. Commission. I hope we can reach out to you if we have additional questions or would like some additional information?

Jessica: Yeah, absolutely. Feel free to reach out to me and if there's anyway that I can be of further use, I'd be happy to.

Wendell: I appreciate that. Thank you so much for joining us today.

Jessica: My pleasure. Have a good one.

Wendell: Thank you. You as well.

Jessica: Okay.

Wendell: Noah?

Noah: Yes?

Wendell: Okay. Has Miss Feierman left the calls?

Noah: She has not disconnected at this time.

Ana: Okay.

Noah: Now she has.

Wendell: Oh, okay. Thank you. All right, well next on our agenda is to debrief the hearing and what I'd like to do is to get your thoughts about the hearing. The things that you thought we did well, things where we could've made some changes. Ideas, comments, et cetera, about what we heard. Let's go through each panel at a time. So regarding the government and law enforcement panel, what were your thoughts? I think Carol and Teresa?

Teresa: This is Teresa. My overall thought, just listening to the lady right now from the Juvenile Justice System and all of the other panels that we heard last week, what is I see is the pattern is that the fines and the fees in this country, whatever state you live in, to me, is very detrimental to people that don't have money. The lower income people. People what cannot afford to pay these fees but yet at the same time, whether it's the justice system or it's the law enforcement system or whatever system it is, don't care. That's where I'm coming from is that I feel that, I always felt there was an injustice anyway looking as an activist in the community, but I really feel it now. I really have a real problem with all of this.

Wendell: Right, I can appreciate that. I learned a lot as well during our hearing and from Miss Feierman's presentation today because I was not aware that fines and fees had such an impact throughout the country and with various communities. So I can appreciate your comment. Carol, in reference to the first panel which was government and law enforcement, what were your thoughts?

Carol: I thought, overall Wendell, the whole day, I didn't know what to expect to be honest with you and I'd never gone through like a panel but I thought you conducted it so professionally and the fact that you kept everybody on time, was really amazing. I mean it really was great. I learned so much that day. I don't come in contact just from my ivory

little tower where I live, with poor and indigent people. I mean, I'm not a community activist in that regard, like say Teresa is, and my eyes were opened wide to the injustice of our system. I really was ... my heart was touched by the lawyer from Ferguson. I would love to read that report. I just don't have time at the moment with all of the other reading I have to do for my other position but it really opened my eyes that there are things wrong, really wrong. This whole thing of fines and fees, I'm appalled to think that we would support our courts on the backs of these poor people that can hardly even pay their fines. Nobody wants to raise taxes. That was brought up in that thing, hearing that day but this is the wrong way to be funding things, for sure.

I was really appalled especially when I heard that that new Supreme Court building down in Las Vegas, that we were told, as tax payers, we wouldn't be funded at all. We had plenty of room within the court. That some of the fines from one of those counties went into that building, I was really surprised to hear that.

Wendell: I agree and Carol, thank you for your comment. I have to thank everyone for your engagement, for your questions and for your participation. I thought the entire day went very, very well. I really enjoyed the interaction between the committee and each of the panelists. Like you and Teresa, I was very surprised and disappointed to hear of the things that were happening here in our state in reference to fines and fees. I have to admit, I was just not aware, so I was very surprised.

Ed, now we missed you during the hearing but I wonder if you had an opportunity to review some of the material and if you have any thoughts?

Ed: I did have an opportunity to go through some of the material. Of course, I recused myself from the discussion of how great the hearing was since I wasn't there. From what I could tell from the materials I saw, a really broad range of input taken, which was really nice to see. I certainly enjoyed the presentation today, that was extremely informative and the power point was also very helpful as well, that filled in a lot of details and it was nice to have as well as back material. A quick question, roughly, how many of the presenters at the hearing had recording, visuals like a power point or materials or things of that nature? I wasn't there to see that part of it.

Wendell: That's a great question. We do have a power point from, is it Teresa Moseley in Reno?

Ana: Leisa Moseley.

Wendell: Leisa Moseley, I apologize, yes. Leisa Moseley had a power point and we also had a power point from one of the law enforcement, was it law enforcement Ana? Ana has everything so perhaps Ana, this would be a good question for you.

Ana: I can send out all of that information on, that's one thing I forgot to include in the email, but I did send Leisa Moseley's presentation out to the group. I just need to follow up on the full power point that was displayed during the actual hearing.

Ed: That would be great. Thank you very much.

Wendell: Ed, we also received, and let me go back through my emails, because we also got written statements from representatives from some other counties as well, that were not able to participate. We got information from, was it one or two people? Ana?

Ana: It was a member of the public that found a notification in the newspaper about the hearing and so he wanted to comment on the fines and fees practices in, I believe, Las Vegas. That one is by Michael [Bustein 00:42:32], I believe?

Wendell: Yes and isn't he the individual that differentiated between Clark County and the city?

Ana: Correct. The other two written testimonies were from Sheriffs in rural counties.

Wendell: Yes, and Ed, those were sent out on March the seventeenth but if you didn't receive them we can resend those.

Ed: Yes, I did receive those. I just didn't see the power points.

Wendell: I think Leisa Moseley's presentation is a ... was hers power point?

Ana: It's a PDF.

Wendell: PDF, hers is a PDF.

Ed: [crosstalk 00:43:19] oh, okay, got it. Then I probably did see that if it was attached.

Wendell: Okay, because all of them, there was some good information from Sheriff Logan in Eureka County, Sheriff McNeil in Lyon County and Jeffery Barr. Then there was also the statement from Michael Bluestein or Bluestein.

Ed: Yeah, I'm very please at how well represented we were able to get input from all over the state. That was very nice to see, even though it's totally understandable that it's harder for outer rural counties to come join us for a hearing. It was nice that they submitted that input.

Wendell: I wonder, Carol and Teresa, was it your understanding that community service is offered outside of the metropolitan areas in the unincorporated areas, that's an option but within the cities, it's not?

Carol: That was my understanding was that there wasn't anything outside of the city limits.

Wendell: Okay.

Noah: Pardon the interruption, I just wanted to inform you that David Mussatt has rejoined.

Wendell: Oh, okay, thank you.

Teresa: Wendell, I didn't understand your question. What was it?

Wendell: Well it had to do with community service. I noticed in the letter from Michael Bluestein, that he mentions that in Clark County that there's an option for community service. However, within the city of Las Vegas, there is not an option for community service. Then one of our panelists discussed someone who, there was an option for community service but she had three children and if she did community service, there was no one to watch her children and she didn't have the money to pay for the babysitter. Do you remember that? Then she didn't have the money, she couldn't take the time off to do the community service because it would impact her earning for her job and then she didn't have the money for the fees.

Teresa: Yes, I do remember that and what I also remember was ... it's got to be in our report ... is that one hour of community of service is only equivalent to ten dollars as a fee and yet they haven't adjusted that for, I thought it was like 18-20 years, something, a big amount of time. Certainly most people's time is worth more than ten dollars. I thought that was a real disparity. Most of these fines are ... whatever that average fine is ... two, three, four hundred dollars, that's a lot of hours of community service.

Wendell: Yes, even if they have that option.

Teresa: Yeah, if they have that option. Then that takes away from your ... of course your family, your earning power and everything else, so it's really a double edged sword. There's gotta be a better way.

Wendell: Right.

Teresa: Or raise that ten dollars to something higher.

Carol: Right, I think they haven't upgraded that for like twenty years or something ...

Teresa: Yeah, twenty years.

Carol: ... and it's [crosstalk 00:47:00]... one hour is ten dollars.

Teresa: Ten dollars is ridiculous to me and the other thing is, when we were listening, in Washoe County, here in Washoe County, they're really flexible about the community service in helping people do that where as in Henderson County, they were very clear, they were not very happy about community service. They would prefer to do the fines. That's what I understood.

Wendell: And that was part of my question as well, for the option to do community service but you're absolutely correct. To get ten dollars for an hour of community service, that has an impact upon school, has an impact upon family, an impact upon if a person's got a part time job or a full time job. I just don't see how you can pay off a fine if it's several hundred dollars or if it even increases, how community service is a viable option. I remember very distinctly, and I don't recall which of our panelists mentioned it, the example of the young woman with the three children. I was thinking to myself "oh my gosh, how is she ever going to get out from under this." If she can't afford to pay and

she's got all of this community service and she's supporting three children. I think it was because she was driving without a license.

Carol: I remember that too, Wendell. I think over 80% of these fines are all moving violations.

Wendell: Right, I was just struck by that. And Ed, I think you'll find some really good data in Leisa Moseley's presentation. What I learned was that law enforcement was not keeping consistent data as far who they were ticketing so there wasn't good statistical information from law enforcement. However, Leisa Moseley was able to go through and, was it the courts Ana, is that where she got her information?

Ana: Yes, I believe so. Their internal database.

Wendell: Right. So there's some very good information in there.

Ed: Yeah, I found that interesting. I certainly heard from other sources that law enforcement data collection can be rather an interesting thing, maybe it's a subject for a future hearing at a future date, but things like homicides, [inaudible 00:49:50] shootings and things like that can be very hard to get good data on from law enforcement agencies, nationwide actually.

Wendell: Right.

Ed: Not surprising that it would also include that as well.

Wendell: Right and that's what we heard on the fifteenth, that the empirical information from law enforcement was sketchy, at best. Great, any other comments about the hearing on the fifteenth? Or the information that Ana has forwarded to us?

All right, then moving on for ... is there anyone on the line from the public?

Noah: Currently we have no one on the public.

Wendell: Okay, thank you Noah. So let's talk about next steps. Our next meeting is scheduled for April the twentieth. Between now and April the twentieth, we should have a full transcript of the fifteenth meeting and Ana, do we anticipate that sometime this week or will it be next week?

Ana: We're hoping next week we'll be able to get it. I believe it's supposed to come in two weeks after the hearing so it should be in the beginning of next week forums. I'll follow up with you on the question of the status on that.

Wendell: Okay, so I appreciate that. I will also remind everyone to please review the transcript before our next meeting on the twentieth and Ana, you will also have an opportunity to draft an outline?

Ana: Yes.

Wendell: Okay, and we will have a draft outline for the meeting on April the twentieth as well.

Ana: Yes. Once we do receive the transcript and committee members are able to review it, if you can just jot down common themes that have been echoed throughout the transcript and the obvious recommendations that were stated or things that you sort of gathered by reading a number of the materials, that would be also helpful to inform the contents of the advisory memo.

Wendell: Great. Also, there's a survey. Did each of you receive ... it's a survey monkey survey, about the hearing.

Teresa: I don't remember seeing that.

Carol: I don't either.

Ana: Okay, I'll send that back out to everyone.

Carol: When did it go out? I'm on my computer right now.

Ana: I sent it out, I believe on Monday. I think it's Monday.

Carol: Twenty-seventh?

Ana: Yeah, check in your spam folder. If not, I can resend that out to you. Was that Teresa or both?

Carol: This is Carol.

Ana: [crosstalk 00:53:13] okay. I'll send it to both of you.

Wendell: That might be one of those where I got it and, typically, I have to call Ana to ask if I got stuff, so I did get that one.

Ana: Was it in your spam folder as well, Wendell?

Wendell: In mine? No, you assisted me with setting up a separate folder and it went right into my U.S. Commission and Civil Rights folder.

Ana: Oh, great, okay.

Wendell: So you'll make sure that everyone gets that?

Ana: Yes, I will send it out to the group again.

Wendell: Great, and ... go ahead Ana.

Ana: I was just going to say that's mainly to get feedback about the hearing from, not all of the members, just you're experience with the process and if you felt that you were engaged as much as possible, that sort of thing. Just wanted to hear feedback from members on their experience with the whole project.

Wendell: Ana, I can't thank you, David and Angelica enough, because you had us completely prepared. I thought the set up was good. I appreciated all of the pre-work, all of the information that you had available for us. I felt very comfortable going into the meeting and I thought the way it was arranged was very smooth. So, thank you for that and thank the members of the committee for your efforts on planning this meeting as well.

Teresa: This is Teresa. I also want to thank the staff. You guys are just awesome. It was done so well and you, Wendell, because the way you handled it and I agree totally with the person, I think it was Carol that said, it went very well, it was so timely and it was done very well. I was very impressed. I just want to thank you.

Wendell: Oh, well, thank you. It was a team effort. I thought we all did a great job. I enjoyed partnering with each of you so thank you very much. Now, Ana?

Ana: Mm-hmm (affirmative)?

Wendell: Do we have anything else? Let's make sure that we've touched on everything.

Ana: Just that I sent out meeting invitations for April 20th as well as May 11th and if we absolutely need to meet another time in May, I don't have that date just yet but I'm hoping that once we have the meeting on May 11th we can get a better sense of whether we need that fourth meeting or not.

Wendell: Great, so our timelines to have everything finalized for David and the commission is what? What's our suspense date?

Ana: I understand that there's no particular date but I do understand that it's the last week or towards the end of May, that we need to have an advisory memo sent to the commission.

Wendell: Okay so that gives approximately eight weeks.

Ana: Yes, just about.

Wendell: Just about eight weeks. Okay, good. Let me open it up to the floor. Any additional questions, comments from either you Carol, Teresa or Ed or Ana, Angelica and David?

Teresa: This is Teresa. I just hope that when we have our next meeting and we've gone through all of this ... I hope that there is something that can be changed. It's like we can do these ... as many as we want but if we don't see a change for our community and our people that are unable to afford this, it's really hard, and ... I am just praying, in my own way,

that when we complete our meeting next month in April and so forth, that something does get done. That all of this was not just wasted.

Wendell: Teresa, I think that's a really good point. Perhaps, Ana and David, can you share with us, in addition to this information going to the U.S. Commission on Civil Rights, where else will the data be shared and our findings or in Nevada? How can we leverage this information?

Ana: I think David could speak more to that as I'm sort of in training, in terms of the process. David, are you still on the line?

David: I am but I missed the question, I'm sorry. I'm doing five other things. I apologize. What was the question Wendell?

Wendell: Not a problem. I can appreciate multitasking.

David: And I can't do it, which is not good so I'm ...

Wendell: Teresa was expressing that she wanted to ensure, and correct me if I'm wrong Teresa, that the information, our report and our recommendations, that we're able to leverage this to make some things happen.

David: Yeah, okay, I did hear her comment, sorry about that.

Wendell: Yes, so my question was, in addition to going to the commission, where else will the information be shared and how can we leverage this information to make a positive change here for us in Nevada?

David: That's a common question. It's a good question. It's a hard question for us. As far as what our mandate is, it is to advise the Commission and, as you know, with this project in particular, the Commission is gonna include the input as part of its larger, national [inaudible 00:59:59] report that goes to the President and Congress. It is gonna have a larger platform. I'll just mention as well, that we did throw out our Facebook and Twitter, our Facebook government site, so it's definitely going to be going through all the social media networks but to your point, more specifically, once we go through that process, we're technically as an agency, that's what our mandate is and that's where ... [inaudible 01:00:25] moves onto the next project. It's important for you as [inaudible 01:00:30] committee members [inaudible 01:00:31] individual statuses as residents of the state to get it into the hands of advocacy groups and other people who could use it.

[inaudible 01:00:44] to help draft that. That is where the people who are advocates can advocate. Obviously, your role here is more as trying to perform studies in a more objective manner but once the reports out, it's a matter of public discourse and we encourage anyone, not just you, but other groups throughout Nevada to pick it up and try to advocate around it.

This happens quite a bit. This is not ... it may sound like a non-answer but just recently Kansas, in fact, did a report that is now being used as a basis to introduce new legislation on voting rights in that state. It is something that happens frequently, not always, but it does frequently happen. It often is the result of advocacy committee members themselves going that extra step further and making sure that people throughout the state are aware of it and getting it in the right hands.

Teresa: Okay, so this is Teresa. What I'm getting from you is that once the report is out and it is public, myself, as an activist because that is what I consider myself, that I could take that report and I can meet with my legislatures and I can meet with my city council and I can do all this and present this report and say "what can we do?"

David: Yeah, absolutely.

Teresa: Okay, that's what I wanted to know.

Wendell: The other thing, David, will we share the report with a panelist? So will they get a copy of our findings as well?

David: Yeah, they'll be a part of the process of writing the report in fact. They'll be getting drafts along the way. They'll be receiving notifications of your meetings, where you'll be discussing the drafts so that if they wanna chime in during the open comments period, they can. We don't have the type of an editorial team in D.C. that's gonna go through and do the research material so we encourage as much public participation throughout this writing process so that as many eyes as possible can see it along the way and give us feedback so we capture everything accurately in the way people have intended it to be captured.

Teresa: So Dave, does David Kladney present this to the Commission on the national level? Our commissioner for [crosstalk 01:03:21]

David: You know what, Wendell will. It'll be Wendell. He'll present it to Commissioner Kladney and the other commissioners as well. Unless Wendell wants to have another member do it but usually it's the chair who will be invited to speak at a commission meeting and present the report orally and obviously they'll get it electronically, they'll get the written report, of course, but we've been having the chairs present them. Or actually, the Nevada, was it David Fott who presented, I think he presented the Militarization report a couple of years ago.

Teresa: Yes.

Wendell: Yes.

Carol: This is Carol. Just for information purposes, I heard David Kladney's name, what did he do and what's his relationship to all this? Thank you.

David: Yeah, sure, so Commissioner Kladney one of the commissioners of the LR Agency. He was appointed by Senator Reid, he's one of the congressional appointees to the Commission and he's from Nevada. He's from Reno. He actually wanted to be at your meeting but it was the same week of a commission meeting in D.C. that he had to attend. They actually were hearing testimony on the same topic in Washington D.C. that Friday after your meeting on Wednesday, so he wasn't able to attend. As you know, he was on some calls of yours leading up to that meeting. I think he's spoken to Judge Harsby about these matters in the past. He's pretty active with your committee, generally.

Carol: Thank you.

Wendell: So I think the bottom line here is that we have an opportunity to leverage this report and our information to make some things happen for us here in the State of Nevada and the other panelists will be able to use this whether it's Jessica or Teresa and the other panelists that joined us, will be able to use the information in their districts as well. So great. So thank you. Other questions?

So hearing none, it's my understanding our take aways will be: Ana, you'll send out the survey to everyone on the team to insure they got it.

Ana: Okay.

Wendell: Between now and the twentieth, we should oversee the transcript and have an opportunity to review that before our next meeting on the twentieth and to consider what our findings will be and what your thoughts and suggestions are for when Ana puts together an outline.

Ana: Yes and then I'll send out the conference slides from the hearing out to the group.

Wendell: Okay, all right. Thank you. Any other questions or comments?

Well, hearing done. I can give you back 20 minutes to your day and I'd like to adjourn the meeting. I have 2:10. Thank you everyone for calling in and participating today.

Carol: Okay, have a great day everybody.

Teresa: Okay.

Wendell: All right, thank you.

Teresa: Bye.

Carol: Bye.

Ana: Bye.

How did we do?



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